

(vi) Wilderness or Resource Natural Area designation, if applicable[-];

(vii) Distance to nearest community;

(viii) Elevation of fire; and

(ix) Fire's airshed number.

(b) ~~The following information shall be submitted to the executive secretary 48 hours after submittal of the information required by (1)(a) above.~~ The Land Managers shall notify the executive secretary of any potential wildland fire use (WFU) event covering more than 20 acres or having a WFIP Stage II. In addition to the information required for a WFU with a WFIP Stage I, the following additional information will be provided to the executive secretary as it is being developed:

(i) WFIP Stage II [W]wildland fire implementation plan and anticipated emissions;

(ii) A map[-, preferably with a scale of 1:62,500,] depicting both the daytime and nighttime smoke path and down-drainage flow for a minimum of 15 miles from the burn site with smoke-sensitive areas delineated; and

(iii) Additional computer smoke modeling, if requested by the executive secretary.

(c) The executive secretary's approval of the smoke management element of the wildland fire implementation plan shall be obtained before managing the fire as a wildland fire use[d] event[for resource benefits].

(2) Daily Emission Report for [W]wildland [F]fire [U]use[d] event[for Resource Benefits]. By [8:00 a.m.]0800 hours on the business day following fire activity covering [50]20 acres or more, the land manager shall submit to the executive secretary the daily emission report on the form provided by the Division of Air Quality, including the following information:

(a) The three-letter identification, project number, Air Quality Basin, and name of the burn manager;

(b) UTM coordinate;

(c) Dates and times of the start and end of the burn;

(d) Black acres by wildland fuel type;

(e) Estimated proportion of wildland fuel consumed by wildland fuel type;

(f) Proportion of moisture in the wildland fuel by size class;

(g) Emission estimates;

(h) Level of public interest or concern regarding smoke; and

(i) Conformance to the wildland fire implementation plan.

(3) Monitoring. The land manager shall monitor the effects of smoke on smoke sensitive receptors and visibility in Class I areas as directed by the wildland fire implementation plan. Complaints from the public shall be recorded in the project file. Records shall be available for inspection by the executive secretary for six months following the end of the fire.

**KEY:** air quality, wildland fire, smoke, land manager

**Date of Enactment or Last Substantive Amendment:** [July 7, 2005]2006

**Authorizing, and Implemented or Interpreted Law:** 19-2-104(1)(a)

## NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 28502

FILED: 02/09/2006, 13:18

### RULE ANALYSIS

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** The amendments allow users to notify the Division of Air Quality (DAQ) electronically when demolition or renovation projects that disturb asbestos are to be undertaken. Nonsubstantive editorial corrections are also made.

**SUMMARY OF THE RULE OR CHANGE:** In Section R307-801-12, add language to allow notification of DAQ through the DAQ electronic notification system when demolition or renovation projects that disturb asbestos are planned. The rule currently allows notification in person, by the U.S. Postal Service, or by commercial delivery services, and those notification methods will remain in the revised rule. In Subsection R307-801(2)(b), clarify that the waiting period is 10 WORKING days, not calendar days, to be consistent with Subsection R307-801-11(1)(a); in Subsection R307-801-14(4), correct the citation from Section R307-801-8 to Section R307-801-14; in Subsection R307-801-15(1), delete the acronym ACWM and insert ASBESTOS WASTE.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Subsection 19-2-104(1) (d) and 19-2-104(3)(r) through (t), 40 CFR Part 61 Subpart M, and 40 CFR Part 763 Subpart E

### ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The electronic notification system has been created from a grant from the federal EPA and with DAQ asbestos program fees. There will be small ongoing savings to DAQ, because notification forms will be stored electronically and not in paper files.

❖ **LOCAL GOVERNMENTS:** Local governments are not affected by this change because they do not conduct demolition or renovation projects that disturb asbestos.

❖ **OTHER PERSONS:** Electronic notification will be quicker, thus saving time and money for asbestos contractors. However, the amounts saved are not quantifiable. The other changes to the rule do not affect costs or savings, other than that making the rule language clearer will save time for affected persons. Again, this benefit is small and not quantifiable.

**COMPLIANCE COSTS FOR AFFECTED PERSONS:** Electronic notification will be quicker, thus saving time and money for asbestos contractors. However, the amounts saved are not quantifiable. The other changes to the rule do not affect costs or savings, other than making the rule language clearer will save time for affected persons. Again, this benefit is small and not quantifiable.

**COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES:** Electronic notification saves time and money for the business community, and, in many cases, is also more convenient. Dianne Nielson, Executive Director

## Environmental Quality, Air Quality R307-801 Asbestos

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

ENVIRONMENTAL QUALITY  
AIR QUALITY  
150 N 1950 W  
SALT LAKE CITY UT 84116-3085, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jan Miller at the above address, by phone at 801-536-4042, by FAX at 801-536-0085, or by Internet E-mail at janmiller@utah.gov

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 PM on 03/31/2006

INTERESTED PERSONS MAY ATTEND A PUBLIC HEARING REGARDING THIS RULE: 3/23/2006 at 2:00 PM, DEQ Building, Main Conference Room, 150 N 1950 W, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 05/04/2006

AUTHORIZED BY: M. Cheryl Heying, Planning Branch Manager

### **R307. Environmental Quality, Air Quality.**

#### **R307-801. Asbestos.**

#### **R307-801-12. Renovation and Demolition: Notification Procedures and Contents.**

(1) All notifications required by R307-801 shall be submitted in writing on the appropriate form provided by the executive secretary and shall be postmarked or received by the Division by the date specified, or shall be submitted using the Division of Air Quality electronic notification system by the date specified. The type of notification and whether the notification is original or revised shall be indicated.

(2) If the notification is an original notification of demolition, an original asbestos notification for a NESHAP-[ ]-sized asbestos project, or an original annual notification, the written notice shall be sent with an original signature by U.S. Postal Service, commercial delivery service, or hand delivery, or with an electronic signature if submitted using the Division of Air Quality electronic notification system. If the U.S. Postal Service is used, the submission date is the postmark date. If other service or hand delivery is used, the submission date is the date that the document is received at the Division. If the Division of Air Quality electronic notification system is used, the submission date is the date that the notification is received by the Division.

(3) An original asbestos notification for a less than NESHAP-sized asbestos project or any revised notification may be submitted by any of the methods in (2), or by facsimile, by the date specified in R307-801-11. The sender shall ensure that the fax is legible.

(4) All original notifications shall contain the following information:

- (a) The name, address, and telephone number of the owner of the structure, and of any contractor working on the project;
- (b) Whether the operation is a demolition or a renovation project;

(c) A description of the structure that includes the size in square feet or square meters, the number of floors, the age, and the present and prior uses of the structure;

(d) The procedures, including analytical methods, used to inspect for the presence of ACM;

(e) The location and address, including building number or name and floor or room number, street address, city, county, state, and zip code of the structure being demolished or renovated;

(f) A description of procedures for handling the discovery of unexpected ACM or of nonfriable ACM that has become friable or regulated;

(g) A description of planned demolition or renovation work, including the demolition and renovation techniques to be used and a description of the affected structural components.

(5) In addition to the information in (4) above, an original demolition notification shall contain the following information:

(a) An estimate of the amount of non-friable and non-regulated ACM that will not become regulated as a result of demolition activities and that will remain in the building during demolition;

(b) The starting and ending dates of demolition activities; and

(c) If the structure will be demolished under an order of a state or local government agency, the name, title, and authority of the government representative ordering the demolition, the date the order was issued, and the date the demolition was ordered to commence. A copy of the order shall be attached to the notification.

(6) In addition to the information in (4) and (5) above, an original asbestos notification or an annual notification shall contain the following information:

(a) An estimate of the approximate amount of ACM to be stripped, including which units of measure were used;

(b) The scheduled starting and completion dates of asbestos removal work in a renovation or demolition;

(c) The beginning and ending dates for preparation and asbestos removal, and of renovation activities if applicable;

(d) If an emergency renovation operation will be performed, the date and hour the emergency occurred, a description of the event and an explanation of how the event has caused unsafe conditions or would cause equipment damage or unreasonable financial burden;

(e) A description of work practices and engineering controls to be used to prevent emissions of asbestos at the demolition or renovation work site;

(f) The name and location of the waste disposal site where the asbestos waste will be deposited, including the name and telephone number of the waste disposal site contact;

(g) The name, address, contact person, and phone number of the waste transporters; and

(h) The name, contact person, and phone number of the person receiving the waste shipment record as required by 40 CFR 61.150(d)(1).

(7) A revised notification shall contain the following information:

(a) The name, address, and telephone number of the owner of the structure, and any demolition or asbestos abatement contractor working on the project;

(b) Whether the operation is a demolition or a renovation project;

(c) The date that the original notification was submitted;

(d) The applicable original start and stop dates for asbestos removal, renovation, or demolition;

(e) Revised start and stop dates, if applicable, for asbestos removal or demolition activities;  
 (f) Changes in amount of asbestos to be removed, if applicable; and

(g) All other changes.

(8) If a NESHAP-sized asbestos project that requires a notification under (4) above or a demolition project that requires a notification under (4) above will commence on a date other than the date submitted in the original written notification, the executive secretary shall be notified of the new starting date by the following deadlines.

(a) If the new starting date is later than the original starting date, notice by telephone shall be given as soon as possible before the original starting date and a revised notice shall be submitted in accordance with R307-801-12(7) as soon as possible before, but no later than, the original starting date.

(b) If the new starting date is earlier than the original starting date, submit a written notice in accordance with R307-801-12(7) at least ten working days before beginning the project.

(c) In no event shall an asbestos project covered by this subsection begin on a date other than the new starting date submitted in the revised written notice.

#### **R307-801-14. Renovation and Demolition: Asbestos Work Practices.**

(1) Persons performing any asbestos project shall follow the work practices in this subsection. Where the work practices in R307-801-14(1) and (2) are required, wrap and cut, open top catch bags, glove bags, and mini-enclosures may be used in combination with those work practices.

(a) Adequately wet RACM with amended water before exposing or disturbing it.

(b) Install barriers and post warning signs to prevent access to the work area. Warning signs shall conform to the specifications of 29 CFR 1926.1101(k)(7).

(c) Keep RACM adequately wet until it is containerized and disposed of in accordance with R307-801-15.

(d) Ensure that RACM that is stripped or removed is promptly containerized.

(e) Prevent visible particulate matter and uncontainerized asbestos-containing debris and waste originating in the asbestos work area from being released outside of the negative pressure enclosure or designated work area.

(f) Filter all waste water to 5 microns before discharging it to a sanitary sewer.

(g) Decontaminate the outside of all persons, equipment and waste bags before they leave the work area.

(h) Apply encapsulant to RACM that is exposed but not removed during stripping.

(i) Clean the work area, drop cloths, and other interior surfaces of the enclosure using HEPA vacuum and wet cleaning techniques until there is no visible residue before dismantling barriers.

(j) After cleaning and before dismantling enclosure barriers, mist the space and surfaces inside of the enclosure with a penetrating encapsulant designed for that purpose.

(k) Handle and dispose of friable ACM or RACM according to the disposal provisions of R307-801.

(2) All operators of NESHAP-sized asbestos projects shall install a negative pressure enclosure using the following work practices.

(a) All openings to the work area shall be covered with at least one layer of 6 mil or thicker polyethylene sheeting sealed with duct tape or an equivalent barrier to air flow.

(b) If RACM debris is present, the site shall be prepared by removing the debris using the work practice and disposal requirements of R307-801. If the total amount of loose visible RACM debris throughout the entire work area is less than the SSSD amount, then site preparation may begin after notification and before the end of the ten working [-]day waiting period.

(c) All persons shall enter and leave the negative pressure enclosure or work area only through the decontamination unit.

(d) All persons subject to R307-801 shall shower before entering the clean-room of the decontamination unit when exiting the enclosure.

(e) No materials may be removed from the enclosure or brought into the enclosure through any opening other than a waste load-out or a decontamination unit.

(f) The negative pressure enclosure of the work area shall be constructed with the following specifications:

(i) Apply at least two layers of 6 mil or thicker polyethylene sheeting or its equivalent to the floor extending at least one foot up every wall and seal in place with duct tape or its equivalent;

(ii) Apply at least 2 layers of 4 mil or thicker polyethylene sheeting or its equivalent to the walls without locating seams in wall or floor corners;

(iii) Seal all seams with duct tape or its equivalent; and

(iv) Maintain the integrity of all enclosure barriers.

(v) Where a wall or floor will be removed as part of the asbestos project, polyethylene sheeting need not be applied to that component.

(g) View ports shall be installed in the enclosure or barriers where feasible. View ports shall be:

(i) At least one foot tall and one foot wide;

(ii) Made of clear material that is impermeable to the passage of air, such as an acrylic sheet;

(iii) Positioned so as to maximize the view of the inside of the enclosure from a position outside the enclosure; and

(iv) Accessible to a person outside of the enclosure.

(h) A decontamination unit shall be constructed according to the following specifications:

(i) The unit shall be attached to the enclosure or work area;

(ii) The decontamination unit shall consist of at least 3 chambers as specified by 29 CFR 1926.1101(j)(1);

(iii) The clean room, which is the chamber that opens to the outside, shall be no less than 3 feet wide by 3 feet long;

(iv) The dirty room, which is the chamber that opens to the negative pressure enclosure or the designated work area, shall be no less than 3 feet wide by 3 feet long;

(v) The dirty room shall be provided with an accessible waste bag at any time that asbestos work is being done.

(i) A separate waste load-out following the specifications below may be attached to the enclosure for removal of decontaminated waste containers and decontaminated or wrapped tools from the enclosure.

(i) The waste load-out shall consist of at least one chamber constructed of 6 mil or thicker polyethylene walls and 6 mil or thicker polyethylene flaps or the equivalent on the outside and inside entrances;

(ii) The waste load-out chamber shall be at least 3 feet long, 3 feet high, and 3 feet wide; and

(iii) The waste load-out supplies shall be sufficient to decontaminate bags, and may include a water supply with filtered drain, clean rags and clean bags.

(j) Negative air pressure and flow shall be established and maintained within the enclosure by:

- (i) Maintaining four air changes per hour in the enclosure;
- (ii) Routing the exhaust from HEPA filtered ventilation units to the outside of the structure whenever possible;
- (iii) Maintaining a minimum of 0.02 column inches of water pressure differential relative to outside pressure; and
- (iv) Maintaining a monitoring device to measure the negative pressure in the enclosure.

(3) In lieu of two layers of polyethylene on the walls and the floors as required by R307-801-(2)(f)(i) and (ii), the following work practices and controls may be used only under the circumstances described below:

(a) If an asbestos project is conducted in a crawl space or pipe chase and the available space is less than 6 feet high or is less than 3 feet wide, then the following may be used:

(i) Drop cloths extending at least 6 feet around all RACM to be removed, or extended to a wall and attached with duct tape or equivalent; and

(ii) Either glovebags, wrap and cut, or the open top catch bag method must be used. The open top catch bag method may be used only if the material to be removed is pre-formed RACM pipe insulation.

(b) Scattered ACM. If the RACM is scattered in small patches, such as isolated pipe fittings, the following procedures may be used.

(i) Glovebags, mini-enclosures as described in R307-801-14(5), or wrap and cut methods with drop cloths large enough to capture all RACM fragments that fall from the work area may be used.

(ii) If all asbestos disturbance is limited to the inside of negative pressure glovebags or mini-enclosure, then openings need not be sealed and negative pressure need not be maintained outside of the glovebags or mini-enclosure during the asbestos removal operation.

(iii) A remote decontamination unit may be used as described in R307-801-14(5)(d) only if an attached decontamination unit is not feasible.

(4) During outdoor asbestos projects, the work practices of R307-801-14[8] shall be followed, with the following modifications:

(a) Negative pressure need not be maintained if there is not an enclosure;

(b) Six mil polyethylene or equivalent drop cloth large enough to capture all RACM fragments that fall from the work area shall be used; and

(c) A remote decontamination unit as described in R307-801-14(5)(d) may be used.

(5) Special work practices.

(a) If the wrap and cut method is used:

(i) The component shall be cut at least 6 inches from any RACM on that component;

(ii) If asbestos will be removed from the component to accommodate cutting, the asbestos removal shall be done using a single glove bag for each cut, and no RACM shall be disturbed outside of a glove bag;

(iii) The wrapping shall be leak tight and shall consist of two layers of 6 mil polyethylene, each individually sealed with duct tape, and all RACM between the cuts shall be sealed inside wrap; and

(iv) The wrapping shall remain intact and leak-tight throughout the removal and disposal process.

(b) If the open top catch bag method is used:

(i) Asbestos waste bags that are leak tight and strong enough to hold contents securely shall be used;

(ii) The bag shall be placed underneath the stripping operation to minimize ACM falling onto the drop cloth;

(iii) All material stripped from the component shall be placed in the bag;

(iv) One worker shall hold the bag and another worker shall strip the ACM into the bag; and

(v) A drop cloth large enough to capture all RACM originating in the work area shall be used.

(c) If glove bags are used, they shall be negative pressure, and the procedures required by 29 CFR 1926.1101(g)(5) shall be followed.

(d) A remote decontamination unit may be used under the conditions set forth in R307-801-14(3)(b) or (4), or when approved by the executive secretary. The remote decontamination unit and procedures shall include:

(i) Outerwear shall be HEPA vacuumed or removed, and additional clean protective outerwear shall be put on;

(ii) Either polyethylene sheeting shall be placed on the path to the decontamination unit and the path shall be blocked or taped off to prevent public access, or workers shall be conveyed to the remote decontamination unit in a vehicle that has been lined with two layers of 6 mil or thicker polyethylene sheeting or its equivalent; and

(iii) The polyethylene path or vehicle liner shall be removed at the end of the project, and disposed of as asbestos waste.

(e) Mini-enclosures, when used under approved conditions, shall conform to the requirements of 29 CFR 1926.1101(g)(5)(vi).

#### **R307-801-15. Disposal and Handling of Asbestos Waste.**

(1) Containerize asbestos waste[ACWM] while adequately wet.

(2) Asbestos waste containers shall be leak-tight and strong enough to hold contents securely.

(3) Containers shall be labeled with the waste generator's name, address, and phone number, and the contractor's name and address, before they are removed from the work area.

(4) Containerized RACM shall be disposed of at a landfill which complies with 40 CFR 61.150.

(5) The waste shipment record shall include a list of items and the amount of asbestos waste being shipped. The waste generator originates and signs this document.

**KEY:** air pollution, asbestos, asbestos hazard emergency response[<sup>§</sup>], schools

**Date of Enactment or Last Substantive Amendment:** [~~August 1, 2000~~]**2006**

**Notice of Continuation:** April 23, 2002

**Authorizing, and Implemented or Interpreted Law:** 19-2-104(1)(d); 19-2-104(3)(r) through (t); 40 CFR Part 61, Subpart M; 40 CFR Part 763, Subpart E

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